

Appl. No. 09/646,599
Amendment dated October 21, 2003
Reply to office action mailed July 21, 2003 (Paper No. 16)

REMARKS/ARGUMENTS

The above-identified patent application has been reviewed in light of the Examiner's Action mailed 21 July 2003 (Paper No. 16). Claims 1-57 were pending. Claims 5-9, 28, 29, 34, 35, 37, 49, 51, 52, 54, 56 and 57 have been amended herein. Claims 1-4 and 39-42 have been cancelled without intending to abandon or to dedicate to the public any patentable subject matter. Accordingly, following entry of the foregoing amendments, Claims 5-38 and 43-57 will be pending. As set forth more fully below, reconsideration and withdrawal of the Examiner's rejections of the claims are respectfully requested.

Rejections Under 35 U.S.C. § 112, Second Paragraph

The Examiner has rejected Claims 4 and 5 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Applicants have cancelled Claim 4. Claim 5 has been amended to recite "OP(O)(OH)-O-PO₃H₂" and provide the definition of variable "X." Applicants therefore submit that Claim 5, as amended, is sufficiently definite to meet the requirements of 35 U.S.C. § 112, second paragraph.

Claim Rejections Under 35 U.S.C. § 102

The Examiner has rejected Claim 5 under 35 U.S.C. § 102(b) as being anticipated by Chem. Abstracts 92:289-90 17901s (hereinafter "Svyato"), Chem. Abstracts 76:402 46490g (hereinafter "Avaeva"), and J. Biochemistry 8(2):164-73 (1969) (hereinafter "Neumann"). Applicants have amended Claim 5 to eliminate the instance in which the variable Z is -NH₂.

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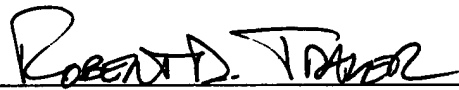
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Applicants therefore submit that Claim 5, as amended, is not anticipated by Svyato, Avaeva or Neumann and respectfully request the Examiner's rejections under 35 U.S.C. § 102(b) be withdrawn.

Based upon the foregoing, Applicants believe that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

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